REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Claims 3, 8, 31-32 have been cancelled without prejudice or disclaimer. The remaining claims have been amended, where appropriate, to better define the claimed invention. No new matter has been introduced through the foregoing amendments.

The Office's objection to claim 2 is moot as claim 2 has been canceled.

The new grounds of rejection against all claims are noted. Although Applicants do not necessarily agree with the Examiner's position, amendments have nevertheless been made solely for the purpose of expediting prosecution.

In particular, **independent claim 1** has been amended to include claims 3 and 31, with further changes for improving claim language. Specifically, amended claim 1 now recites that

> (d) if it is determined at step (c) that the time lapse exceeds Hd, activating the CDMA-2000 modem, wherein the CDMA-2000 modem is activated before the MM-MB terminal leaves the overlay zone and while the WCDMA modem is still being activated to keep the MM-MB terminal in the WCDMA idle state;

In other words, the claimed invention allows both WCDMA to CDMA-2000 modems to be activated simultaneously for facilitating the switching from WCDMA to CDMA-2000, even before the MM-MB terminal leaves the overlay zone. An advantage of embodiments implementing this feature has been discussed in the specification, i.e., to reduce the no-air delay that occurs in the conventional art if the switching is made after the MM-MB terminal leaves the overlay zone. *See*, for example, the specification at page 6, lines 15-25.

The references as applied in the Final Office Action do not fairly teach or suggest the claim feature. It appears to be the Office's position that the claim feature is taught by *Amerga* at column 4 lines 57-59. The cited portion of *Amerga* is reproduced herein below for the Examiner's convenience of review.

> In sleep mode, the mobile station sequences through one or more Discontinuous Reception (DRX) cycles until the mobile station receives or initiates an incoming call or data transmission. During each DRX cycle, the mobile station goes to sleep, discontinuing reception, and disabling as much circuitry as possible to achieve a low power state.

Applicants respectfully submit that the cited portion nether teaches nor suggests the claim feature, i.e., both modems are being activated at the same time. Instead, the cited portion discusses the sleep mode during which the mobile station should disable as much circuitry as possible to achieve a low power state. A person of ordinary skill in the art would understand that to achieve such a low power state with as much circuitry disabled as possible, only one modem, at most, could be enabled during the *Amerga* sleep mode. Therefore, the cited teaching actually teaches away from the claim feature which requires that both modems be activated during the idle state.

In view of the above amendments and arguments, Applicants respectfully submit that amended independent claim 1, as well as the respective dependent claims, are patentable over the art as applied in the Final Office Action.

Independent claim 6 has been amended to include claims 8 and 32, with further changes for improving claim language. Amended claim 6 now recites a limitation similar to that discussed above with respect to amended claim 1, and is therefore believed patentable over the applied art of record for at least the same reason detailed above with respect to claim 1. Independent claim 6 is further patentable on its own merit for the following reasons.

First, claim 6 is directed to the traffic state, i.e., while the MM-MB terminal is handling the WCDMA call which is now positively recited in claim 6, contrary to the cited teachings of *Amerga* which are all directed to the sleep mode or idle state. Therefore, the references as applied in the Final Office Action do not teach or suggest amended step (a) of claim 6.

Second, the Office's position that *Amerga* discloses the step of "determining whether the WCDMA call has been terminated" at FIGs. 5A, 5B 550, 552 is incorrect. The cited teachings of

Amerga are related to are about the selection of a next cell for the mobile terminal to switch to. The cited teachings do not teach or suggest whether the current cell is handling a call and/or whether such call has ended. In fact, since *Amerga* is all about sleep mode or standby mode, there could not be any mentioning of any call being handled during the *Amerga* cell reselection. Therefore, the references as applied in the Final Office Action do not teach or suggest step (d) of claim 6.

Finally, the Office's reliance on *Choi* as disclosing a MM-MD terminal moving away from an overlay zone into a CDMA-2000 zone while handling a WCDMA call is misplaced. The cited portion of *Choi*, i.e., column 4 lines 57-60, indeed discloses powering the CDMA processing unit when the number of WCDMA cells has dropped below a predetermined threshold. There is, however, no mentioning in the cited portion of *Choi* that the terminal is handling a WCDMA call when the CDMA processing unit is powered up. Accordingly, Applicants respectfully submit that *Choi*, as applied in the Final Office Action, does not cure the deficiencies of *Amerga* as detailed above.

In view of the above amendments and arguments, Applicants respectfully submit that amended independent claim 6, as well as the respective dependent claims, are patentable over the art as applied in the Final Office Action.

As to **claim 9**, Applicants respectfully disagree with the Office's position that *Amerga* discloses the claimed deactivation of the CDMA modem in response to the Ec/Io value going higher than a predetermined CDMA-2000 OFF threshold TH_{OFF}. The cited portions of *Amerga*, i.e., column 10 lines 44-49 and column 9 lines 9-21 are about selecting a new cell, i.e., activating a "new" modem rather than about deactivating an "old" one.

Notwithstanding the above, Applicants have further revised claim 9 to recite that the thresholds TH_{ON} for activating the CDMA modem and TH_{OFF} for deactivating the same CDMA modem are different. The *Amerga* thresholds cited by the Office at column 9 line 12 and column 10 line 43 are both zero, i.e., the same.

In view of the above amendments and arguments, Applicants respectfully submit that amended claim 9, as well as the respective dependent claims, are patentable over the art as applied

in the Final Office Action.

Independent claim 16 has been amended to include a limitation similar to that discussed above with respect to amended claim 1, and is therefore believed patentable, together with the respective dependent claims, over the applied art of record for at least the same reason detailed above with respect to claim 1.

As to **claim 17**, the Office's obviousness rationale is respectfully traversed, because the features alleged to be well known in the art are not evidentially supported. The Office is kindly requested to cite references that support the well known allegation. Applicants respectfully submit that the applied art of record does not show that it was known, prior to the present invention, to use base ID for determining whether the terminal is in an overlay zone or not.

Further, the art, especially *Amerga*, is about switching cells when the signal level drops. It does not teach or suggest hands-off based on the location (base ID) of the terminal.

In view of the above amendments and arguments, Applicants respectfully submit that claim 17 is patentable over the art as applied in the Final Office Action.

Independent claim 20 has been amended to include a limitation similar to that discussed above with respect to amended claim 1, and is therefore believed patentable, together with the respective dependent claims, over the applied art of record for at least the same reason detailed above with respect to claim 1. Claim 20, as well as the respective dependent claims, are also patentable for the additional reasons advanced with respect to claim 16

As to **claim 21**, note the discussion *supra* with respect to claim 17.

Independent claim 24 has been amended to include a limitation similar to that discussed above with respect to amended claim 1, and is therefore believed patentable, together with the respective dependent claims, over the applied art of record for at least the same reason detailed above with respect to claim 1.

As to **claim 27**, note the discussion *supra* with respect to claim 9.

Accordingly, all claims in the present application, namely, claims 9-14 are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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